



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2442

behavioral health; urgent need; children

Purpose

Establishes deadlines for a Regional Behavioral Health Authority (RBHA) to provide behavioral health services to foster and adoptive children and remedies for failure to meet those deadlines. Protects foster parents from charges or child removal related to the child's behavioral health needs.

Background

Behavioral health services are provided to individuals enrolled in the Arizona Health Care Cost Containment System (AHCCCS) Title XIX Medicaid and Title XXI KidsCare programs. The Department of Health Services (DHS) currently administers behavioral health treatment to children eligible for the Comprehensive Medical and Dental Program (CMDP), which is the health plan responsible for providing health services for children in foster care; this responsibility will shift to AHCCCS beginning July 1, 2016. DHS contracts with RBHAs to have a network of providers, clinics and other appropriate facilities and services to deliver behavioral health services to eligible members in their contracted geographic service area.

Department of Child Safety (DCS) policy requires caseworkers to refer all children in out-of-home placement to the local RBHA for a behavioral health assessment within 24 hours of removal. The caseworker must also monitor the appropriateness and timeliness of services being provided by the RBHA and advocate for client service needs. When a child moves out of region and the child's case and court venue are transferred between regions, the caseworker must facilitate the transfer of services to the new region. If the case and court venue are not transferred, the current RBHA continues to provide services (DCS Policy and Procedure Manual, Chapter 3 § 8.2).

DHS and RBHAs have established standards for the timeliness of behavioral health services. According to the DHS Division of Behavioral Health Services Policy and Procedure Manual, behavioral health services must be provided within a timeframe indicated by the child's condition, but no later than 72 hours after notification by DCS that a child has been or will be removed from the home. The standards also require an initial evaluation or assessment within 7 calendar days of referral or request for services, and the first behavioral service appointment to take place within 23 days after the initial assessment (Section 1, Chapter 100, Policy 102). Additionally, crisis services assessments must be face-to-face or telephonic; if assessment indicates the need for crisis services, face-to-face services must be provided within one hour in the metro Phoenix and Tucson areas and within two hours everywhere else (DCS Standards for

Timeliness of Behavioral Health Services). Crisis intervention services are provided to a person for the purpose of stabilizing an acute, unanticipated or potentially dangerous behavioral health condition, episode or behavior.

H.B. 2442 allows certain foster and adoptive parents to access services for the children in their care directly from any AHCCCS-registered provider at a rate of 30 percent above the AHCCCS fee schedule rates when a RBHA fails to provide services within the specified time periods.

### Provisions

#### ***DCS Requirement***

1. Requires DCS to provide the following to an out-of-home placement for a dependent child in the legal custody of DCS (placement):
  - a) the contact information for the child's caseworker;
  - b) the child's RBHA-designated point of contact;
  - c) the telephone number to the AHCCCS customer service line;
  - d) a list of AHCCCS-registered providers; and
  - e) information regarding the placement's rights, if applicable, pursuant to these provisions.

#### ***RBHA Deadlines***

2. Permits a placement or an adoptive parent (parent) of a Title XIX- or XXI-eligible child to directly contact a RBHA for a screening and evaluation of the child if the person identifies an urgent need for the child to receive behavioral health services.
3. Requires the RBHA to dispatch an assessment team within:
  - a) 72 hours after being notified that the child has entered care in a placement; or
  - b) 2 hours after being notified that the child has immediate needs.
4. Requires the RBHA to provide an initial evaluation of the child within seven calendar days after a referral or request for services.
5. Requires the RBHA, if after the screening and evaluation it is determined that the child is in need of behavioral health services, to provide an initial behavioral health appointment for the child within 21 calendar days after the initial evaluation.

#### ***Remedies for Failure to Meet Deadline***

6. Requires the parent to call the RBHA-designated point of contact and AHCCCS's customer service line to document a failure to receive the initial service if it is not provided within 21 days.
7. Allows the parent to access services directly from any AHCCCS-registered provider, regardless of whether the provider is contracted with the RBHA, if the initial service is not provided within that time period.

8. Requires a provider who is not contracted with the RBHA to submit a claim to the RBHA and accept 30 percent above the AHCCCS fee schedule rates.

***Crisis Services***

9. Permits the parent to contact the child's RBHA-designated point of contact to coordinate crisis services for the child if:
  - a) the parent recognizes that the child is in need of those services; and
  - b) the crisis services provider in that county is not being responsive to the situation.
10. Requires the RBHA to respond within 72 hours after a parent requests to place the child in residential treatment because the child is displaying threatening behavior.
11. Prohibits the hospital, if the child is hospitalized due to the threatening behavior before the RBHA responds, from discharging the child until the RBHA responds to the initial request.

***Continuation of Treatment***

12. Allows a placement to choose to have the child continue any current treatment in the previous county if the foster child moves into a different county because of the location of the placement.
13. Permits the placement to seek any new or additional treatment for the child in the placement's county of residence.

***AHCCCS Administration Requirements***

14. Requires the AHCCCS Administration to track and report annually:
  - a) the number of times the RBHA coordinated crisis services because a crisis services provider was unresponsive;
  - b) the number of times services were not provided within the 21-day timeframe;
  - c) the amount of services accessed directly and provided by non-contracted providers; and
  - d) the amount the AHCCCS Administration spent on these services.
15. Requires the AHCCCS Administration to:
  - a) complete a network adequacy study for providers that provide behavioral health services to children enrolled in CMDP by July 1, 2017; and
  - b) adopt corrective action plans, sanctions or other measures to address noncompliance by the RBHA, including compliance with the statutory timely payment requirements.

***Miscellaneous***

16. Prohibits a parent from being considered as having abused, neglected or abandoned, or being charged with abuse, neglect or abandonment of a foster or adoptive child for seeking inpatient treatment or an out-of-home placement if the child's behavioral health needs pose a risk to the safety and welfare of the family.

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17. Prohibits DCS from using a foster parent's request to disrupt a foster child or the dissolution of an adoption based on the following as the basis for removing a foster child from a licensed foster parent:

- a) the foster or adoptive parent was unable to receive services that the child was statutorily entitled to receive; or
- b) the child threatened the health or safety of the adoptive family.

18. Defines *out-of-home placement* as a foster home, kinship foster care, a shelter care provider, a receiving home or a group foster home.

House Action

CFA	2/15/16	DPA	9-0-0
3 <sup>rd</sup> Read	2/25/16		57-0-3

Prepared by Senate Research

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AW/rf